

REMARKS

I. Introduction

Applicants note that the IDS disclosure filed on July 23, 2004 has not yet been considered by the Examiner. Accordingly, it is respectfully requested that the foregoing document be expressly considered during the prosecution of this application, and that the document be made of record therein. A copy of the IDS disclosure previously submitted is attached hereto. A returned signed form PTO-1449 to the Applicants is respectfully requested.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 102

Claims 1-6, 9-18 and 21-23 are rejected under 35 U.S.C. § 102 as being anticipated by USP No. 5,331,419 to Yamada. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 recites, in part, an image processor comprising an image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three-dimensional positional information of the object and for combining the scale image with the image of the object.

In accordance with one embodiment of the present invention, the scale image can be presented freely in the three-dimensional space by using the three-dimensional

position information. For example, as readily shown in Figs. 3A-3F of Applicants' drawings, the scale image S is presented along the depth-direction in the screen.

Turning to the prior art, it is asserted in the pending Office Action that the synthesis means of Yamada corresponds to the claimed image synthesizer for generating a scale image in accordance with three-dimensional positional information of the object and for combining the scale image with the image of the object.

However, at a minimum, Yamada does not expressly disclose or suggest that the synthesis means generates a scale image in accordance with the *three-dimensional positional information*, as recited by claim 1. Indeed, in contrast to the conclusion set forth in the pending Office Action, Yamada discloses that the position information of two measured points on the objects are captured in the same visual field, and the zoom information and distance information of the measured points that are under the in-focus condition are also obtained, where the distance between these two measured points and the scale indicating the span are calculated and sent to the scale pattern generator 19 for outputting a numerical value indicating the size, unit and scale pattern of the image (see, col. 6, lines 27-44). As such, Yamada merely discloses position information between two measured points, rather than three-dimensional information as alleged by the Examiner.

Thus, at a minimum, Yamada fails to disclose or suggest an image processor comprising an image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three-dimensional positional information of the object and for combining the scale image with the image of the object, as recited by claim 1.

Furthermore, claim 10 recites, in part, an image processor comprising an image synthesizer which combines respective images of multiple objects together in accordance with three dimensional positional information of the objects so that at least one of the object images is scaled up or down according to a desired size relationship.

In contrast, Yamada discloses that the CPU 106 calculates the data for size display, and sends the signal to the scale display circuit 115, where the scale display circuit 115 generates a signal indicating a pattern, such as a scale 120, based on the l_1 information, and outputs a size display pattern signal corresponding to the dimensions of the object. Then, the pattern signal from the scale display circuit 115 is sent to the signal processing circuit 116, and mixed with the image of the object. A picture comprised of the image signal of the object and the scale pattern superimposed thereon is sent to the video terminal (see, col. 15, line 60 to page 16, line 20). In other words, Yamada specifically discloses utilizing the scale display circuit 115 for superimposing and displaying the images.

Thus, in contrast to the Examiner's assertion, nowhere does Yamada disclose or suggest utilizing the alleged image synthesizer for **combining** images of multiple objects together in accordance with **three-dimensional positional information** of the objects so that at least one of the object images is **scaled up or down** according to the **desired size relationship**, or **obtaining and utilizing the three dimensional positional information from the object**, as recited by claim 10.

Moreover, with regard to claim 18, this claim recites, in part, an image processor comprising an image synthesizer which generates an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information of the object.

However, at a minimum, Yamada does not disclose or suggest obtaining the three-dimensional positional information from the image of the object. Indeed, Yamada does not appear to even discuss any three-dimension coordinates of any object, as readily shown in Figs. 1, 5, 8 and 13, in the manner asserted in the pending Office Action. Thus, for at least this reason, it is respectfully submitted that claim 18 is patentably distinct from the cited prior art.

With regard to claim 23, this claim recites, in part, an image processor comprising an image synthesizer which combines respective images of multiple objects together in accordance with three-dimensional positional information of the objects so that alignment points specified at the respective images coincide with each other in three-dimensional position and in such a manner as to meet a desired size relationship three-dimensionally by processing the respective images to have the same focal length.

In the pending Office Action, it is asserted that Yamada discloses, at col. 12, lines 5-15 and col. 15, lines 47-63, that the processing of images to have the same focal length is done by calculating a scale in which objects are under an in-focus condition.

In contrast to the conclusion set forth in the pending Office Action, the cited portion of the specification only discloses the in-focus and out-of-focus condition. Indeed, Yamada merely discloses that the arithmetic operation under the in-focus condition includes using the demodulated distance information for performing the arithmetic process to create a scale pattern (e.g. by doubling the value of the scale width l_1) and calculating the data (e.g. using distance information D_1 , zoom information and angle of the view θ_1) for size display via the CPU 106.

However, nowhere does Yamada disclose or suggest that the alignment points specified at the respective images coincide with each other in three-dimensional position by processing the respective images to have the same focal length in the manner asserted in the Office Action. Yamada does not disclose or suggest any three dimensional position information or alignment points, let alone coinciding the alignment points of the images with each other by processing the images to have the same focal length, as recited by claim 23.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Yamada fails to disclose the foregoing claim elements, it is clear that Yamada does not anticipate claims 1, 10, 18 and 23, or any of the claims dependent thereon.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1, 10, 18 and 23 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

For all of the foregoing reasons, it is submitted that claims 2-9, 11-17 and 21-22 are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections of claims 1-6, 9-18 and 21-23 under 35 U.S.C. § 102, and claims 7-8 under 35 U.S.C. § 103 be withdrawn.

With regard to claims 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 17, Yamada also does not disclose or suggest a range image generator which draws the three-dimensional positional information from the image captured by the imaging section, as recited by claims 2 and 13, an imaging section comprising a light-emitting device that projects light with a predetermined radiation pattern onto the object and captures the object image containing the three-dimensional positional information by receiving part of the light, as recited by claims 3 and 14, an image synthesizer that generates a scale image by using data, which represents a distance of the object and is obtained by the automatic or manual focusing controller, as the three-dimensional positional information, as recited by claims 4 and 15, an input device constructed to allow an user to externally input the position specified on the image where the scale image is generated, as recited by claim 6, a panel is formed on the surface of the display, as recited by claim 7, the arbitrary coordinates of the scale image can be specified or that the coordinates are specified on the surface of the display, as recited by claim 8, specifying coordinates of the cursor, as recited by claim 9, combining the image of one of the objects which has been separated from a background image with another background image by utilizing the alleged synthesizer, as recited by claim 11, cutting out an image portion made of pixels at respective locations associated with distances by utilizing the alleged synthesizer, as recited by claim 12, or defining or changing relative positions of the images being combined, as recited by claim 17.

Indeed, the pending Office Action has not identified how the claim features recited by the rejected claim are met by the elements of Yamada.

For at least these reasons, it is respectfully submitted that claims 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 17 are also patentable over the cited prior art.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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